



TO: Vendor License Applicant
FROM: Delta Charter Township, Clerk's Office
RE: Vendor License Application Procedure

Dear Applicant:

Delta Township would like to thank you for considering Delta as the community in which to conduct your business. We wish you success in the application process. Attached is a vendor application form and a copy of the Delta Township's current Vending Ordinance, which includes the vendor license application requirements and the regulations associated with all vending activity. The application and Ordinance applies to all "vendors" and "vending activity" as those terms are defined within the Ordinance. **A valid vendor license, issued by the Township Clerk, is required for all vending activity intended to take place within Delta Township.**

VENDOR LICENSE APPLICATION REQUIREMENTS AS FOLLOWS:

1. Application must be filled out and submitted with the application and fee. All other information pertaining to applying for vending license i.e. MI Sales Tax License, Property Owners letter of approval etc. must be filed with the vending license application and fee. If all applicable materials are not submitted the application will not be accepted.
2. Application processing will be completed within 10 business days from the day the application is submitted. Notice of vendor licenses approval or denial will be provided to the applicant.
3. The applicant should carefully review the attached Vending Ordinance. All persons operating, as vendors and all vending activity must comply with the Delta Township Vending Ordinance, failure to do so may result in denial of the vendor application request, or revocation of a vendor license once issued.
4. The applicant, in good faith, must complete in total the attached vendor license application form and return the form to the Township Clerks Office. Applicants should note that no vending license issued can be used by any person other than the person to whom it was issued. If the applicant intends to have persons other than they participate in the proposed vending activity, the applicant should refer to Section 8-133 of the attached Vending Ordinance.
5. The applicant must submit a nonrefundable application fee, payable in cash or check, to the Township Clerks Office. The application fee is due at the time the application is submitted. Vendor license application fees as of February 2003 are as follows:
 - **\$350.00 – Vending from commercial site.**
 - **\$125.00 – Door-to-door vending.**
 - **\$75.00 – All license renewals.**

6. The applicant must submit a copy of their current Michigan Sales Tax License or, if exempt, a copy of a current exemption certificate, at the time the application is submitted.
7. The applicant is required to obtain the written permission of the property owner of the property upon which the vending activity is intended to take place. The property owner must also acknowledge their understanding of the property owner's responsibilities as established in Section 8-123 of the Vending Ordinance. Applicants should note any vending activity intended to be conducted from a fixed sit within Delta Township is only permissible on commercially zoned property.
8. If the applicant intends the use of any sign, banner, flag or similar device it shall require compliance with the Delta Township Sign Ordinance.
9. If the applicant intends the use of any tent, canopy, or similar structure it shall require compliance with the Delta Township Fire Code. The sale of fireworks requires a permit from the Delta Township Fire Department.
10. The applicant will be investigated by the Eaton County Sheriffs Department (criminal history), the Delta Township Building Department (structural compliance, sign ordinance), the Delta Township Fire Department (fire safety compliance), and the Delta Township Planning Department (zoning, traffic and parking compliance).
11. If the applicant intends to sell prepared food for human consumption, a copy of a current certificate of approval from the Barry-Eaton County Health Department must be submitted at the time the application is submitted.
12. The applicant is required to acknowledge their understanding of the regulations contained within the Vending Ordinance.
13. The applicant is required to acknowledge their intended compliance with the regulations of the Vending Ordinance.

Carefully review the attached Vending Ordinance. Questions may be directed to the Delta Township Clerks Office at (517) 323-8500, the Delta Township Building Department at (517) 323-8530, the Delta Township Planning Department at (517) 323-8560, and the Delta Township Fire Department Deputy Chief at (517) 321-6622.



DELTA CHARTER TOWNSHIP VENDING REGULATIONS

For your information and convenience, you have been provided with this list of vending regulations. All persons operating as “vendors” within the Charter Township of Delta, as defined by Chapter 8, License and Miscellaneous Business Regulations, Section IV Vendor of the Charter Township of Delta Code of Ordinances, are required to comply with these regulations, as mandated. Please be advised that this is not a comprehensive list of every regulation; which may apply to every vending activity, but is intended to be general information regarding the regulation of vendors within Delta Township. Other regulations inherent to the Ordinance may apply to special or unique circumstances, which are not identified below.

1. Any person conducting a vending activity upon request of any citizen, law enforcement officer, representative of Delta Township or Eaton County shall present identification.
2. The vendor’s Delta Township Vending License and Michigan Sales Tax License shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.
3. Vending, soliciting or peddling, as defined herein, is prohibited at a private residence prior to 9:00 a.m. and after 9:00 p.m.
4. Vending is not permitted on property where the owner or occupant thereof has displayed a “no soliciting” or similar sign on such premises.
5. The proposed vending activity shall not create a fire hazard; and may be subject to approval by the Township Fire Marshall.
6. The proposed vending activity shall not create a structural safety hazard; and may be subject to approval by the Township Building Official.
7. The proposed vending activity shall not create traffic circulation and/or parking problems; and may be subject to approval by the Township Zoning Administrator.
8. Upon termination of the vending activity, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, structures, temporary buildings, display tables, etc., which were related to the vending activity on the site.

9. The vendor shall comply with any special conditions, which may be imposed upon the license by the Township Board pursuant to Chapter 8, Section IV of the Code of Ordinances.
10. The display of goods, merchandise, vehicles, services or other items permitted by this ordinance are **PROHIBITED WITHIN THE PUBLIC ROAD RIGHT-OF-WAY**. Tents, canopies, trailers, sales stands and other similar structures relating to the vending activity are also prohibited within the public road right-of-way.
11. The use of any sign, banner, flag, or similar device intended to attract attention to the vending activity shall be in compliance with the 2000 Delta Township Sign Ordinance. *(A temporary sign permit is required for any sign used; \$50.00 for a 15-day permit; limit of three 15-day permits and minimum of one sign.)* Questions regarding compliance can be addressed to: Code Enforcement Officer, Kelly Figueiredo, Building Division at 517/323-8530.
12. The use of a tent, canopy etc. that is 400 square feet or larger will require a permit from the Fire Department and must be in compliance with the Delta Township Fire Code. Questions regarding compliance can be addressed to: Deputy Chief, Paul Fabiano, Fire Department at 517-323-6622.
13. Upon notice of license and/or revocation by the Township Clerk or Sheriff's Department, all vending activity on the site must cease immediately. Any person notified by the Clerk's Office to cease a vending activity should contact the Clerk's Office as soon as possible.

VENDING LICENSE APPLICATION

APPLICANT: _____

NAME: _____
(Last) (First) (Middle)

DATE OF BIRTH: _____

DRIVER'S LICENSE NO.: _____

ADDRESS: _____
(Street) (City) (Zip)

VEHICLE DESCRIPTION: _____

LICENSE PLATE NO.: _____
(Make) (Model) (Year)

HOME PHONE: _____ WORK PHONE: _____

BUSINESS REPRESENTED:

NAME OF
BUSINESS: _____

ADDRESS: _____
(Street) (City) (Zip)

OWNER/REPRESENTATIVE NAME: _____
PHONE NO.: _____

DESCRIPTION OF BUSINESS:

GOODS TO BE SOLD: _____

METHOD OF DELIVERY: _____

STRUCTURE TO BE USED: _____

PARKING AVAILABLE: _____
Yes or No

DATE PERMIT ISSUED: _____

PROPOSED HOURS OF OPERATION: _____

LOCATION OF PROPOSED ACTIVITY: *(Indicate if Door to Door or fixed site)*

(Street)	(City)	(Zip)
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PROPERTY OWNER NAME: _____

PHONE NO.: _____

REFERENCES:

1. NAME: _____
PHONE NO.: _____
ADDRESS: _____

(Street)	(City)	(Zip)
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2. NAME: _____
PHONE NO.: _____
ADDRESS: _____

(Street)	(City)	(Zip)
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3. NAME: _____
PHONE NO.: _____
ADDRESS: _____

(Street)	(City)	(Zip)
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BACKGROUND INFORMATION:

Have you ever had any occupational license revoked, suspended, or denied by any other municipal authority: If Yes, what is the name of the municipality and what were the circumstances of this action: _____

Have you ever operated as a vendor within Delta Township before: _____ If yes, were you issued a license or permit; where was your business located; and what did you sell?

PROPERTY OWNER PERMISSION:

The legal property owner of the parcel described herein, **MUST GIVE WRITTEN PERMISSION ON BUSINESS STATIONARY OR PROVIDE BUSINESS STAMP ON WRITTEN COMMUNICATION, TO THE DELTA TOWNSHIP CLERK'S OFFICE WITH THIS APPLICATION**, giving permission for the applicant listed on this application to establish the proposed vending activity on his/her property for a thirty (30) day time period.

Furthermore, property owner must understand and agree to his/her responsibilities as established in Chapter 8 Licenses and Miscellaneous Business Regulation, Article IV. Vendors of the Charter Township of Delta Code of Ordinances.

APPLICANT CERTIFICATION:

I certify as applicant for the Vending License that all statements and information provided in this application are true, complete and correct, to the best of my knowledge and belief, and are made in good faith. I also agree to comply with all the rules and regulations as established in the Delta Township Vending Ordinance.

SIGNATURE OF APPLICANT

DATE

OFFICIAL USE ONLY

Permit No. _____ MI. Sales Tax License No.: _____

Filing Date: _____ Health Dept. Approval: _____

Received By: _____ Sheriff Approval: _____

Fee Paid: _____ Fire Marshall Approval: _____

Valid Personal ID: _____

Photos Taken: _____

Building Official Approval: _____

Zoning Administrator Approval: _____

Board Hearing: _____

Final Approval: _____

ARTICLE IV. VENDORS

DIVISION 1. GENERALLY

Sec. 8-116. Short title.

This article shall be known as the "Delta Township Vending Ordinance."
(Ord. No. 303, § 1, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-117. Purpose.

It is the purpose of this article to regulate vendors, peddlers, solicitors, etc., as defined herein; to require and provide licensing for same; and to provide a penalty for violations in order to protect the public health, safety and welfare.

(Ord. No. 303, § 2, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-118. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

Sales activity means the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going door to door, house to house, person to person, or car to car, or the exchange of goods or services in any other manner related to the vending activity.

Special event means an organized activity, held on public property, specific to an identifiable place, occurring for a limited period of time, and for which appropriate permission has been obtained from the township.

Vending license or *license* means a license which allows a person to conduct an approved vending activity within the township, as permitted under this article.

Vending means the act of offering merchandise for sale from a fixed place not within a building, from a vehicle or from a fixed place in a tent, canopy or similar shelter, not including merchants offering merchandise for sale upon commercial premises permanently occupied by them; and the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going from door to door, house to house, person to person, or car to car; not including the act of offering merchandise for wholesale to retailers or for resale to manufacturers for use in their processes; also not including regular route delivery persons delivering products.

Vendor means any person engaged in the act of vending as defined herein. For the purposes of this article, the terms "canvasser," "drummer," "hawker," "huckster," "itinerant merchant," "itinerant vendor," "peddler," "solicitor" and "transient merchant" shall be included as persons herein defined as "vendors."

(Ord. No. 303, § 3, 10-7-91; Ord. No. 03-01, § 1, 2-3-03; Ord. No. 07-39, 11-5-07)

Sec. 8-119. Rules of conduct.

(a) Identification shall be presented by the vendor upon request of any citizen, law enforcement officer, representative of the township or the county.

(b) The vendor's township vending license and state sales tax license shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.

(c) Vending, soliciting or peddling, as defined herein, is prohibited at a private residence prior to 9:00 a.m. and after 9:00 p.m., and shall not be conducted on property zoned commercial, office, or industrial under township ordinance after 9:00 p.m. and prior to 9:00 a.m.

(d) Vending is not permitted on property where the owner or occupant thereof has displayed a "no soliciting" or similar sign on such premises.

- (e) The proposed vending activity shall not create a fire hazard and may be subject to approval by the township fire marshal.
 - (f) The proposed vending activity shall not create a structural safety hazard and may be subject to approval by the township building official.
 - (g) The proposed vending activity shall not create traffic circulation and/or parking problems, and may be subject to approval by the township zoning administrator.
 - (h) Upon termination of the vending activity, which shall mean cessation of sales activity or expiration of vendor permit, whichever shall come first, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, display tables, etc., which were related to the vending activity on the site.
 - (i) The vendor shall comply with any special conditions which may be imposed upon the license by the township board pursuant to section 8-137(d).
 - (j) The display of goods, merchandise, vehicles, services or other items permitted by this article are prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the township. Tents, canopies, and other similar shelters relating to the vending activity are also prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the township.
 - (k) The use of any sign, banner, flag, or similar device intended to attract attention to the vending activity shall be prohibited within the road right-of-way, and shall be in compliance with the township sign ordinance.
 - (l) The display of goods, merchandise, vehicles, services or any other items permitted by this article shall be conducted at a minimum of 20 feet setback from the edge of any road right-of-way or from the edge of the property line if said property does not border a roadway. This section shall also apply to tents, canopies or similar shelters, or any manner whatsoever of display relating to vending activity.
 - (m) If the proposed vending activity intends to use a tent, canopy or similar shelter, vendors shall be in compliance with all applicable laws, township ordinances and regulations, including but not limited to the township fire code. The vendor may be required to obtain a permit for said tent, canopy or similar shelter and allow for an inspection by the township fire department official. Any permit fee associated with this section shall be in addition to the vending permit fee of this article.
 - (n) The use of any temporary structure, building, stand, booth, trailer or similar structure shall be prohibited as set forth within the township zoning ordinance.
 - (o) A vendor while conducting vending activity shall remain a minimum distance of 1,320 feet measured in a straight line apart from any other vendor on the same side of any roadway.
 - (p) The use of any portable or vehicle mounted generator, or any similar portable energy producing device shall comply with all applicable township ordinances.
- (Ord. No. 303, § 15, 10-7-91; Ord. No. 03-01, §§ 2--4, 2-3-03; Ord. No. 07-39, 11-5-07)
- Cross references:** Signs, Ch. 15.

Sec. 8-120. Vending in township parks.

No vending license shall be issued for vendors in any area controlled by the township parks commission, unless first authorized in writing by the parks commission, its authorized agent or the appropriate governmental agency.

(Ord. No. 303, § 17, 10-7-91; Ord. No. 07-39, 11-5-07)

Cross references: Parks and recreation, Ch. 13.

Sec. 8-121. Administration.

It shall be the responsibility of the township clerk to administer the terms of this article.
(Ord. No. 303, § 8, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-122. Enforcement.

It shall be the responsibility of the county sheriff's department, the township manager, or a township official appointed by the township manager, to enforce the terms of this article. The sheriff's department, township manager, or township official appointed by the township manager, shall have the authority to issue cease and desist orders immediately upon evidence that a vending activity is being conducted within the township prior to the issuance of a vending license by the township clerk or that licensed vending activities are occurring in violation of any of the terms of this article. In all prosecutions for violation of this article, appearance tickets and the appropriate procedures set forth in Act No. 147, Michigan Public Acts of 1968, as amended, may be used.

(Ord. No. 303, § 9, 10-7-91; Ord. No. 03-01, § 5, 2-3-03; Ord. No. 07-39, 11-5-07)

Sec. 8-123. Violations and penalties.

(a) Violation of the provisions of this article shall be punishable as a municipal civil infraction as prescribed within the township code of ordinances.

(b) The charter township shall hold the legal property owner responsible for the clean up and/or repair of any property within the township due to debris or damage caused by the vending activity. The property owner shall be notified by certified mail of the township's concerns regarding the cleanup and/or repair of any property due to a vending activity, and shall be given 14 days to clean up and/or repair the property to its original condition as documented in the photographs kept on file by the clerk. If the clerk determines that sufficient cleanup and/or repair has not commenced within the allotted time, the clerk shall cause the cleanup and/or repair of the property to commence and shall pay for the cost of same out of the township's contingency fund. The property owner shall be billed for the cost of the cleanup and/or repair. The township may use any means necessary to recover the cost of the cleanup and/or repair from the property owner.

(Ord. No. 303, § 18, 10-7-91; Ord. No. 07-39, 11-5-07)

Cross references: General penalty for Code violations, § 1-11.

Secs. 8-124--8-130. Reserved.

DIVISION 2. LICENSE

Sec. 8-131. Required.

No person, either as principal, agent or representative, shall engage in vending as defined in this article within the township without first having obtained a vending license in compliance with the provisions of this article, except those persons identified under section 8-132.

(Ord. No. 303, § 4, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-132. Exceptions from license requirement.

Persons identified under this section shall not be required to obtain a vending license under the terms of this article. In addition, all fees associated with the granting of such license shall also be waived. It is expected that persons operating in the capacities listed below shall respect the terms of this article in good faith, and shall otherwise comply with the regulations outlined herein.

No vending license shall be required for those persons operating yard sales, garage sales, bakes sales or other similar types of activities from their own residentially zoned property, or from

property on which they currently legally reside. These activities must be temporary in nature so as to comply with all applicable township ordinances.

(1) No vending license shall be required to sell produce on the same property on which it was grown. An activity permitted by this subsection must comply with all other applicable township ordinances.

(2) No vending license shall be required for regular route delivery persons not including ice cream peddlers and similar vendors.

(3) No vending license shall be required for licensed food catering trucks that visit multiple private commercial and/or industrial properties on a daily basis and which remain at each property for no more than 30 minutes on any day. For purposes of this section "multiple" shall mean at least three.

(Ord. No. 303, § 5, 10-7-91; Ord. No. 03-19, 10-18-04; Ord. No. 07-39, 11-5-07)

Sec. 8-133. Application.

Applicants for a license under this article shall submit a verified written application on a form to be provided by the township clerk containing the following information:

(1) The applicant's name, date of birth, social security number, driver's license number, address, vehicle description, license plate number, home and work phone number.

(2) If the applicant intends to have persons other than himself participate in the proposed vending activity, a list of such persons, including the information listed above, shall also be submitted to the township clerk prior to the approval of the vending license.

(3) The name of the business represented, if different than the applicant, together with the address of the business, phone number, and name of the owner or representative for the service of legal process.

(4) A description of the nature of the business represented, indicating the goods to be sold, method of delivery, date the permit is desired, hours of operation, location, and the name and phone number of the property owner.

(5) If a lot, tent, canopy or similar shelter is to be used, or if a vehicle is to be placed upon property that is not owned by the applicant, the name, phone number and signature of the legal owner of the property shall be provided on the application.

(6) The names, addresses and phone numbers of three local references. If the applicant has never lived or done business within the township, then references from where the applicant lives or has done business may be used.

(7) A statement as to whether or not the applicant has ever had any occupational license revoked by any other municipal authority. If so, the name of the municipality and the circumstances of the revocation shall be submitted.

(8) The signature of the applicant acknowledging his understanding of the regulations contained within this article, and acknowledging that failure by the applicant to comply with any of these regulations may result in revocation of the vending license.

(9) The signature of the property owner granting permission for the proposed vending activity and acknowledging his understanding that the township shall hold the property owner responsible for the clean up and/or repair of the site to its original condition prior to commencement of the vending activity, as established in section 8-123(b).

(10) The applicant shall also submit a copy of his valid current state sales tax license or, if exempt, a copy of a current exemption certificate, for all goods or services sold other than nonprepared food for human consumption.

(11) If prepared food for human consumption is to be sold, the applicant shall submit a copy of the certificate of approval issued by the Barry-Eaton District Health Department.

(Ord. No. 303, § 10, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-134. Investigation of applicant.

- (a) Upon receipt of an application, the township clerk shall cause an investigation of the applicant to be made, which is intended to ensure the protection of the public health, safety and welfare.
 - (b) The investigation of the applicant may include the following:
 - (1) Verification of the applicant's identification, driving record and criminal history by the sheriff's department.
 - (2) Contact with the references listed on the application for background information regarding the applicant.
 - (3) Review of the proposed vending activity by the township fire marshal, building official and zoning administrator.
 - (4) Verification of the property owner's consent for the applicant to operate the proposed vending activity.
 - (c) The township clerk may contact any other source deemed necessary by the clerk to help determine the applicant's business responsibility and/or criminal history.
 - (d) The township clerk or designee shall photograph the location of the proposed vending activity. The photograph is for the purpose of documenting the condition and appearance of the subject property prior to the establishment of the vending activity.
- (Ord. No. 303, § 11, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-135. Nonrefundable application fee; renewal fee.

Before considering any application submitted in accordance with the requirements of this article, a nonrefundable fee shall be collected by the township clerk, except from those persons exempt from the license fee as identified by sections 8-132 and 8-136, in order to defray the cost of the investigation of the applicant as mandated by section 8-134. The application fee shall be set from time to time by the township board by resolution. There shall be two fees established, one being an application fee and the other being a renewal fee. The renewal fee shall be charged to renew any vending license for the same applicant to conduct the same activity at the same site within six months of the issuance of the original license. In all other instances, the full application fee shall be charged for the investigation of the applicant as mandated by section 8-134.

(Ord. No. 303, § 6, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-136. Exemptions from license fee requirements.

Persons identified under this section shall be required to obtain a vending license under the terms of this article. However, all fees associated with the granting of such license shall be waived.

- (1) Any persons operating a vending activity, as defined herein, by attempting to solicit sales of goods, wares or merchandise thereafter to be transported to the customer in interstate commerce.
- (2) Any person obtaining a vending license as the duly authorized representative or agent of any political group seeking funds or membership.
- (3) Veterans who have been issued a vending license under State of Michigan Act 359 of 1921, as amended.

(Ord. No. 303, § 7.0, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-137. Issuance; display; denial; appeal process.

- (a) If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are satisfactory, the clerk shall approve the license and issue a certificate bearing the words "licensed vendor" having the signature of the township clerk or deputy township clerk. The license and certificate shall be issued within ten business days from the day the application was originally filed. The certificate shall also stipulate the period for which the license is valid

and the license number. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

(b) If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are unsatisfactory, the clerk shall deny the application within ten business days from the day the application was originally filed. The clerk shall notify the applicant in writing of the specific reason(s) why the application was denied. The notice shall be sent by certified mail, return receipt requested, postage prepaid, to the address as stated on the application.

(c) The denial of the license by the clerk may be appealed to the township board if so desired by the applicant provided that a written request to appeal is filed with the clerk within 20 days of the receipt of license denial. A failure to file a request for appeal within 20 days shall be deemed to constitute a waiver of appeal. Upon proper filing of a timely request for appeal by the applicant, the clerk shall take the appropriate steps necessary to place the applicant's appeal on the next township board agenda. The township board shall deny, approve, or approve with conditions the application as determined by the board to be in the best interests of the public health, safety and welfare.

(d) If after an appeal to the township board the application is approved, the clerk shall issue a certificate bearing the words "licensed vendor" and the signature of the township clerk or deputy township clerk. The license and certificate shall be issued on the next business day following the township board meeting. The certificate shall stipulate the period for which the license is valid, the number of the license, and shall note any special conditions the board may have attached to the issuance of the license. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

(e) If the township board denies the application, the township clerk shall notify the applicant thereof in writing by certified mail, return receipt requested, postage prepaid, sent to the address as stated on the application with a statement of the specific reason(s) for denial. Any decision made by the township board shall be final.

(Ord. No. 303, § 12, 10-7-91; Ord. No. 03-01, § 6, 2-3-03; Ord. No. 07-39, 11-5-07)

Sec. 8-138. Transferability.

No vending license issued to any person under the provisions of this article shall be used by any person other than the person to whom it was issued.

(Ord. No. 303, § 13, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-139. General conditions.

(a) *Term.* Vending licenses shall be valid for a maximum of 15 consecutive days from the day the license was originally issued, except as provided by section 8-140(g).

(b) *Number per person and property.* No more than two 15-day vending licenses shall be issued to the same person, firm, corporation or other entity including any agent or representative thereof, and vending shall not be allowed to be conducted upon property zoned commercial, office, or industrial under township ordinance for longer than the terms of two 15-day vending licenses, within a one-year time period. The prescribed fee shall be required to be paid for each license, as determined by section 8-135.

(c) *Number per site.* No more than one license may be issued for the same site for the same time period by the township clerk. The issuance of more than one license for a site shall be as determined by the township board. The following criteria shall be used by the township board to reach its decision:

- (1) Size and location of site.
- (2) Availability of parking.
- (3) Type of vending activity.
- (4) Hours of operation of the vending activity.

(d) *Copies to be filed.* A copy of the vending license application and a copy of the state sales tax license issued by the county treasurer shall be mailed to the registration section of the state department of treasury by the township clerk within ten days of the issuance of the vending license.

(Ord. No. 303, § 14, 10-7-91; Ord. No. 07-39, 11-5-07)

Sec. 8-140. Suspension and revocation.

(a) The township clerk may suspend any license issued under the provisions of this article upon evidence being presented to the clerk alleging any of the following:

(1) A violation of any of the regulations or provisions outlined within this article.

(2) Fraud, misrepresentation or false statement contained in the application for the license.

(3) Fraud, misrepresentation or false statement made in the course of carrying on the vending activity.

(4) Conviction of a felony.

(5) Operation of the vending activity in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the public health, safety and welfare.

(b) The township clerk shall notify the sheriff's department of the suspension and request that a certified letter drafted by the clerk notifying the licensee of his license suspension with a statement of the specific reason(s) for same be immediately hand delivered to the licensee by the sheriff's department.

(c) Upon notice of license suspension by the township clerk, all vending activity on the site must cease immediately. If the person aggrieved by such action fails to contact the township clerk within five days from the day of the license suspension, the vending license shall be revoked.

(d) The person aggrieved by the suspension of the license shall have the right to a hearing before the township board, provided that a written request thereof is filed with the township clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted at the next township board meeting.

(e) The township board shall, after the holding of a hearing, reinstate, reinstate with conditions, or revoke the vending license. Any decision made by the township board shall be final.

(f) Upon revocation of the license, the fee therefor shall not be refunded.

(g) If the license is reinstated by the township board, the aggrieved licensee shall be credited with the number of days during which the license was suspended, such that the licensee will not lose any business days permitted by the issuance of the original license.

(h) No person whose vending license has been revoked shall be eligible to receive another vending license to do business within the township for two years from the date of license revocation.

(Ord. No. 303, § 16, 10-7-91; Ord. No. 07-39, 11-5-07)